

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

ED-223
ICB

Office of Economics, Environmental Analysis, and Administration

September 20, 2005

Mr. Mark Wilson
US Fish and Wildlife Service
Montana Field Office
100 North Park, Suite 320
Helena, MT 59601

Re: Tongue River Railroad Company, Inc. – Finance Docket 30186 – Construction and Operation – Endangered Species Act Section 7 Consultation Process, M.24 – ICC Tongue River Railroad

Dear Mr. Wilson:

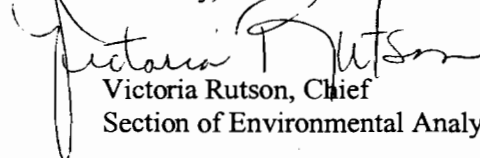
The Surface Transportation Board's (Board's) Section of Environmental Analysis (SEA) is writing in response to your e-mail addressed to Mary Bean dated August 2, 2005, in which you requested additional information to begin the formal consultation process in the Tongue River Railroad Company's (TRRC's) proposed rail construction project which is located in and adjacent to the Tongue River Valley in Montana. Pursuant to Section 7 of the Endangered Species Act, SEA is requesting formal consultation with your office. We address the project's effects on threatened or endangered species and/or critical habitat in the enclosed Biological Assessment.

We conclude that construction of the Tongue River Railroad, with our recommended measures, is not likely to adversely affect the whooping crane (*Grus americana*), the black-footed ferret (*Mustela nigripes*), the pallid sturgeon (*Scaphirhynchus albus*), or the interior least tern (*Sterna antillarum athalassos*). We conclude that the construction of the Tongue River Railroad, with our recommended measures, may adversely affect the bald eagle (*Haliaeetus leucocephalus*).

Please give us your biological opinion on our findings no later than 135 days from receipt of this request. If we don't hear from you within 30 days, we will assume that you have sufficient information to initiate consultation and will provide us with your biological opinion within 135 days. We would like the opportunity to comment on the draft biological opinion prior to its finalization.

If you would like additional information, please do not hesitate to Kenneth Blodgett of my staff by telephone at (202) 565-1554, fax at (202) 565-9000 or e-mail at blodgettk@stb.dot.gov. We look forward to hearing from you.

Sincerely,



Victoria Rutson, Chief
Section of Environmental Analysis

Enclosure: Biological Assessment for the Tongue River Railroad Project